

**THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

ROBERT GONZALEZ,

Plaintiff,

V.

RAJESH PAVITHRAN, *et al.*,

Defendants.

Case No.: 1:18-cv-341

**MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendants, Rajesh Pavithran ("Pavithran") and Kelvin Boon, LLC ("Boon Tech"), by counsel, move to dismiss the Complaint.

The Complaint fails to properly set forth sufficient facts to establish personal liability against Pavithran. The Complaint fails to state a cause of action for breach of contract because the proper elements of a contract have not been pled and the terms of the contract are not properly identified. The fraud in the inducement claim must be dismissed as it has not been pled with sufficient specificity.

Court Three must be dismissed as Promissory Estoppel is not a recognized cause of action in Virginia. The equitable causes of action contained in Court Four must also be dismissed because there are improperly joined and the Plaintiff has alleged the existence of an express contract.

The specific grounds for this Motion are set forth in the Memorandum of Law in support of the Motion to Dismiss filed contemporaneously with this Motion.

Respectfully submitted  
RAJESH PAVITHRAN  
KELVIN BOON LLC  
By counsel

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of April 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and sent by first class mail, postage prepaid copy of notice to the following:

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